of watching such extensive areas of intersected and unfrequented country is very great. And when a *prima facie* case had been made out against the accused persons both by the evidence of the prosecution witnesses and the admissions of the accused persons themselves, the effect of an acquittal of the accused persons by the Magistrate is calculated not only to embolden them to recklessly commit similar offences in future and thus defy the authority of law itself, but also to have no deterrent effect against other persons similarly disposed to commit such offences.

9. Hence it appears obvious to me that there has been a clear miscarriage of justice by an improper acquittal in this case which is one of sufficient importance calculated to affect subsequent prosecution in cases of this nature, as may be seen from a copy of the letter of the Honorary Secretary of the Mysore Game and Fish Preservation Association herewith forwarded.

10. In accordance with instructions conveyed in Government Proceedings No. J. 3354-63—C. 162-2, dated 22nd May 1905, calling attention to para 2 of the previous Government Proceedings No. Camp 2391-400, dated the 25th January 1888, I made a reference to the Government Advocate at Bangalore to favor me with his opinion as to the fitness of moving Government to sanction an appeal against the order of acquittal being preferred in this case to the Chief Court of Mysore under provision of Section 417, Criminal Procedure Code.

11. I herein enclose a copy of letter No. 46, dated 9th September 1905, this day received in reply from the Government Advocate, from which it may be seen that he is of opinion that the case is a fit one for appeal.

12. I therefore request that you will be so good as to obtain sanction of Government to instruct the Government Advocate to prefer an appeal to the Chief Court of Mysore under provision of Section 417, Criminal Procedure Code, against the order of acquittal of the accused persons under Section 245, Criminal Procedure Code, passed by the Amildar and 2nd Class Magistrate of Manjarabad Taluk.

13. The entire records of Criminal Case No. 98 of 1904-05 on the file of the Amildar and 2nd Class Magistrate of Manjarabad Taluk, together with a certified copy of his judgment, dated 31st May 1905, referred to in the concluding paragraph of the Government Advocate's letter No. 46, dated the 9th instant, are also herewith submitted for favor of forwardal to the Government Advocate, should Government accord sanction to preferring the appeal to the Chief Court of Mysore."

(2) Government Proceedings No. J. 988-9—C. 91-2, dated the 30th September 1905, instructing the Government Advocate to prefer an appeal to the Chief Court against the order of acquittal of the accused persons, passed by the Amildar-Magistrate of the Manjarabad Taluk in the said case.

(3) Correspondence ending with letter No. 120, dated the 12th December 1905, from the Government Advocate in Mysore, stating that the Chief Court in Criminal Appeal No. 90 of 1905-06, set aside the order of acquittal of three of the four accused persons and sentenced them to pay a fine of Rs. 2 each.

(4) The Judgment passed by the Chief Court in the above appeal :—

Thursday, the 23rd day of November 1905.

PRESENT.

Mr. Justice A. Rangasami Iyengar, Judge, and
Mr. Justice H. V. Nanjundayya, Judge.

Criminal Appeal No. 90 *of* 1905-06.

Appellant	*Vs.*	Respondents (accused 1, 2 and 3)
The Government of Mysore by Mr. S. Narayana Rao, Government Advocate.		1. Krishne Gowda. 2. Vasanta. 3. Subbe Gowda.

Appeal against the order of acquittal passed by the Amildar-Magistrate of Manjarabad Taluk in Criminal Case No. 98 of 1904-05.

This appeal coming on for hearing on Wednesday the 22nd day of November 1905, the Court pronounced the following—

Order.

* There is no proof that the accused placed the powder of the plant in water or that it is poisonous or otherwise deleterious. But the accused admit having fixed a basket for catching fish against the stream and lain watching near the place throughout the night. This comes under the prohibition against the setting of fixed engines for the capture or destruction of fish contained in Rule 4 (Notification 9007—Legis. 56, dated the 11th December 1901). We find the three accused persons, Krishne Gowda, Vasantha and Subbe Gowda, guilty under this provision and sentence them each to a fine of Rs. 2 under Section 8 of the Game and Fish Preservation Regulation.

No. J. 1882-91—*Cts.* 91-05-7, *dated Bangalore, 9th January* 1906.

ORDER THEREON.—Circulated among the Deputy Commissioners with a request that early and wide publicity be given to the judgment by circulars addressed to all patels and by *tom-tom* in the villages, as there is ground to believe that the mode of catching fish in the manner referred to in the judgment is practised generally by villagers and professional fishermen.

B. K. VENKATA VARADA IYENGAR,
Secy. to Govt., Gen. & Rev. Dept.